

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA, STATE
OF ILLINOIS, and CITY OF CHICAGO
ex rel. ANGELO MILAZZO,

Plaintiff-Relator,

v.

JOEL KENNEDY CONSTRUCTING
CORP., *et al.*,

Defendants.

No. 17-cv-3062

Judge John J. Tharp, Jr.

AGREED MOTION FOR EXTENSION OF ANCILLARY JURISDICTION

Plaintiff City of Chicago (“City”), Relator Angelo Milazzo (“Relator”), and Defendants Joel Kennedy Constructing Corp. and Joel Kennedy (“Defendants”) (collectively, “Parties”), hereby jointly move for an extension of the Court’s ancillary jurisdiction over this action. In support, the Parties state:

1. On December 29, 2022, the Parties entered into a Settlement Agreement. As part of the Settlement Agreement, Defendants agreed to make Settlement Payments to the City in installments over time. In the event that Defendants defaulted on a payment, Defendants agreed to entry of a Consent Judgement for the balance of remaining Settlement Payments.

2. On January 3, 2023, the Parties filed a Stipulation of Dismissal, Dkt. No. 141, stipulating that the action be dismissed without prejudice, with leave to reinstate solely for the purposes of enforcing Settlement Agreements between the parties and/or entering the Consent Judgement.

3. On January 4, 2023, Judge Tharp terminated the action and dismissed the matter

without prejudice, except that the Court retained ancillary jurisdiction only until January 8, 2024 to enforce the parties' Settlement Agreement or enter the Consent Judgment, Dkt. No. 142.

4. However, Defendants' final Settlement Payment under the Settlement Agreement is not due until July 1, 2026. Moreover, the Settlement Agreement also provides Defendants a 14-day cure period after default on a Settlement Payment before the Consent Judgment can be entered.

5. Accordingly, because Defendants' obligations under the Settlement Agreement continue to July 2026, over two and a half years after the Court's ancillary jurisdiction over this action would otherwise end, the Parties respectfully request that the Court extend its ancillary jurisdiction to enforce the Settlement Agreement and/or enter the Consent Judgment until August 1, 2026. This date would grant the City adequate time to prepare a motion to enforce the Settlement Agreement and/or enter the Consent Judgment after the cure period for the final Settlement Payment ends.

WHEREFORE, the Parties respectfully jointly move this Court to extend its ancillary jurisdiction from January 1, 2024 to to August 1, 2026.

Dated: January 5, 2023.

Respectfully submitted,

/s/ Christina Chung

Christina Chung, Asst. Corp. Counsel.
Fiona A. Burke, Chief Asst. Corp. Counsel
City of Chicago, Department of Law
2 N. La Salle, Suite 540
Chicago, IL 60602
(312) 744-6929 / Fiona.Burke@cityofchicago.org
(312)744-5218 / Christina.Chung@cityofchicago.org

Attorneys for City of Chicago

/s/ Suyash Agrawal

Suyash Agrawal
Massey & Gail LLP
50 E. Washington Street, Suite 400
Chicago, IL 60602
(312) 283-1590
sagrawal@masseygail.com

Attorney for Defendants

/s/ Scott Rauscher

Scott Rauscher
Loevy & Loevy
311 N. Aberdeen Street, 3rd Floor
Chicago, IL 60607
(312) 243-5900 / scott@loevy.com

Attorney for Relator

CERTIFICATE OF SERVICE

I, Christina Chung, an attorney, hereby certify that on this 5th day of January, 2023, I electronically filed the forgoing **Agreed Motion for Extension of Ancillary Jurisdiction** with the Clerk of the Court using the CM/ECF system, which thereby electronically served all counsel of record.

Dated: January 5, 2023

Respectfully submitted,

By: s/ Christina Chung

Fiona A. Burke, Chief Assistant Corporation Counsel
Christina Chung, Assistant Corporation Counsel
City of Chicago, Department of Law
2 N. LaSalle Street, Suite 540
Chicago, IL 60602
Fiona.Burke@cityofchicago.org / (312) 744-6929
Christina.Chung@cityofchicago.org / (312) 744-5218

Attorneys for City of Chicago